



Hugh E. Weathers  
Commissioner

# State of South Carolina Department of Agriculture

## Consumer Protection Division

123 Ballard Court, West Columbia, SC 29172

Laboratory Services  
803.737.9700

Consumer Services  
803.737.9690

Food and Feed Safety &  
Compliance  
803.734.7321

Metrology Services  
803.253-4052

803.737.9703 (FX)  
www.agriculture.sc.gov

## APPLICATION FOR COTTAGE EXEMPTION

PRODUCERS WHO SELL DIRECTLY TO THE END CONSUMER NO MORE THAN \$15,000  
ANNUALLY OF NON- POTENTIALLY HAZARDOUS CANDY OR BAKED GOODS

### Section 1

Name of Applicant \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address \_\_\_\_\_  
Street City State Zip Code County

Name of Firm \_\_\_\_\_ Phone: \_\_\_\_\_

Firm Address \_\_\_\_\_  
Street City State Zip Code County

Pursuant to Section 44-1-143(H), CODE OF LAWS OF SOUTH CAROLINA, 1976, AMENDED JUNE 7, 2012, above named Applicant certifies compliance with requirements for exemption from inspections, and packaging in an inspected food processing establishment, or from being required to obtain a Registration Verification Certificate (RVC) from the Department of Agriculture by verifying that no more than \$15,000 are sold annually and said non-potentially hazardous candy/baked good is only sold directly to end consumers. Labels are required on all packages that are sold in South Carolina and must be in compliance with section 44-1-143.

When and if the conditions for this exemption are no longer met, Firm must apply for Registration Verification Certification (RVC).

### Section 2

Check which product(s) you will be producing:

☐ baked cookies ☐ baked breads\* ☐ baked cakes ☐ candy

☐ baked high-acid fruit pies (apple, apricot, grape, peach, plum, quince, orange, nectarine, blackberry, raspberry, boysenberry, cherry, cranberry, strawberry, red currants)

☐ Other (please give description of baked good(s) or candied product) \_\_\_\_\_

**\*Moist quick breads like zucchini, pumpkin, and banana may be potentially hazardous.**

A product analysis to determine interaction of pH and water activity (Aw) may be required in order to exempt any product not listed above. Please contact Kimberly Baker, [kabaker@clermson.edu](mailto:kabaker@clermson.edu) at Clemson University, (864-986-6014), or Adair Hoover, [cpope@clermson.edu](mailto:cpope@clermson.edu) (864-656-9986) or a commercial laboratory for analysis. Analysis will be at the expense of the cottage food operation.

### Section 3

List products you intend to sell:

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### Section 4

Please answer the following questions for all products.

Are your product(s) baked? Yes\_\_\_\_ or No\_\_\_\_

Are your product(s) candy? Yes\_\_\_\_ or No\_\_\_\_

Does your product(s) contain crème or custard filling? Yes\_\_\_\_ or No\_\_\_\_

Will your product(s) require refrigeration? Yes\_\_\_\_ or No\_\_\_\_

Will your product(s) be vacuumed packaged or reduced oxygen packaged? Yes\_\_\_\_ or No\_\_\_\_

(\*This does not include zip style bags or plastic wraps.)

If yes please describe how product is packaged\_\_\_\_\_

Where do you intend to sell your product(s)?\_\_\_\_\_

(\*The privilege to sell at markets will be at the discretion of the market manager.)

Date of application: \_\_\_\_\_ Applicants Signature: \_\_\_\_\_

Send application to: SCDA  
Alicia Attaway  
123 Ballard Court  
West Columbia, SC 29172

Contact: Alicia Attaway  
Phone: 803-737-9700  
Email: [ahendrix@scda.sc.gov](mailto:ahendrix@scda.sc.gov)

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#### For official use only:

Product analysis required? Yes\_\_\_\_ or No\_\_\_\_

Analysis Received\_\_\_\_\_

Exemption Certificate # \_\_\_\_\_ Date Issued: \_\_\_\_\_

Exemption Denied State Reason: \_\_\_\_\_

## Cottage Foods Labeling Guidance

1. **Statement of Identity (Product Name)** must be in **bold print**.

### **My Cottage Bread**

2. Complete **Ingredient list** listings in descending order of predominance by weight (the ingredient that weighs the most is first and the ingredient that weighs the least is last). Must expand **ALL** sub-ingredients. Font size must be at least 1/16 (based on lower case "o"). May use ALL CAPS.

- **Compliance with the Food Allergen Labeling and Consumer Protection Act.** Allergens must be disclosed by name in the ingredient statement and/or in a Contains Statement: **Wheat, Egg, Soy, Milk, Fin Fish (species), Crustacean Shellfish (species), Peanut, and Tree Nut (species).** If using a Contains Statement, **ALL** allergens contained in product are to be listed.

### **My Cottage Bread**

INGREDIENTS: ENRICHED FLOUR (WHEAT, NIACIN, THIAMINE, RIBOFLAVIN, FOLIC ACID), HIGH FRUCTOSE CORN SYRUP, CORN SYRUP, HONEY, MOLASSES, SOY BEAN OIL, SUGAR, CORN FLOUR, MALT SYRUP, WHEY (MILK), EGG WHITES, PECANS, SOY LECITHIN, CORN FLOUR, YELLOW #5 AND RED #40

3. **Name and Address** of the home-based food operation. The address must include a street address (if not in a local directory), city or town, state, and zip code.

### **My Cottage Bread**

INGREDIENTS: ENRICHED FLOUR (WHEAT, NIACIN, THIAMINE, RIBOFLAVIN, FOLIC ACID), HIGH FRUCTOSE CORN SYRUP, CORN SYRUP, HONEY, MOLASSES, SOY BEAN OIL, SUGAR, CORN FLOUR, MALT SYRUP, WHEY (MILK), EGG WHITES, PECANS, SOY LECITHIN, CORN FLOUR, YELLOW #5 AND RED #40

Cottage Enterprises  
434 Sunshine Drive  
Columbia, SC 29555

4. **Net Weight** must be in the bottom 1/3rd of the Principal Display Panel (PDP), and be in both **customary** (ounces) and metric (grams) weights.
- Conversion Factor: 1 ounce= 28.35 grams

<p style="text-align: center;"><b>My Cottage Bread</b></p> <p>INGREDIENTS: ENRICHED FLOUR (WHEAT, NIACIN, THIAMINE, RIBOFLAVIN, FOLIC ACID), HIGH FRUCTOSE CORN SYRUP, CORN SYRUP, HONEY, MOLASSES, SOY BEAN OIL, SUGAR, CORN FLOUR, MALT SYRUP, WHEY (MILK), EGG WHITES, PECANS, SOY LECITHIN, CORN FLOUR, YELLOW #5 AND RED #40.</p> <p style="text-align: center;">Cottage Enterprises 434 Sunshine Drive Columbia, SC 29555</p> <p style="text-align: center;">NET WT. 20 OZ (576g)</p>
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5. A conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads ***"NOT FOR RESALE- PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."***

<p style="text-align: center;"><b>My Cottage Bread</b></p> <p>INGREDIENTS: ENRICHED FLOUR (WHEAT, NIACIN, THIAMINE, RIBOFLAVIN, FOLIC ACID), HIGH FRUCTOSE CORN SYRUP, CORN SYRUP, HONEY, MOLASSES, SOY BEAN OIL, SUGAR, CORN FLOUR, MALT SYRUP, WHEY (MILK), EGG WHITES, PECANS, SOY LECITHIN, CORN FLOUR, YELLOW #5 AND RED #40.</p> <p><b><i>"NOT FOR RESALE-PROCESSED AND PREPARED BY A HOME- BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS".</i></b></p> <p style="text-align: center;">Cottage Enterprises 434 Sunshine Drive Columbia, SC 29555</p> <p style="text-align: center;">NET WT. 20 OZ (576g)</p>
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# Cottage Foods FAQs

## SC Department of Agriculture Exemption: *Frequently Asked Questions*

### What is a Cottage Food Operation?

A cottage food operation is a home-based food operation that operates out of an individual's dwelling that prepares, packages, stores and distributes non-potentially hazardous foods to a person.

### What is covered under the Cottage Bill (SC 44-1-143 H)?

Non-potentially hazardous baked goods and candy that are sold directly to the end consumer are covered under this bill. These foods cannot be sold for re-sale/wholesale. Examples of these type products are: *baked cookies, baked cakes, baked breads\*, baked high-acid fruit pies (apple, apricot, grape, peach, plum, quince, orange, nectarine, blackberry, raspberry, boysenberry, cherry, cranberry, strawberry, red currants) and candy.*

*\*Moist quick breads like zucchini, pumpkin & banana may be potentially hazardous.*

### What is a potentially hazardous food in South Carolina?

This bill defines a 'Potentially hazardous foods' as:

(a) an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation; garlic-in-oil mixtures not modified to prevent microorganism growth or toxin formation;

(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and water activity (Aw) values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged:

Aw values	pH values		
	4.6 or less	>4.6 - 5.6	>5.6
(1) <0.92	non-PHF	non-PHF	non-PHF
(2) >0.92 - 0.95	non-PHF	non-PHF	PHF
(3) >0.95	non-PHF	PHF	PHF

Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Food Administration Food Code.

Examples of potentially hazardous baked goods include, but are not limited to *pumpkin pie, sweet potato pie, cheese cake, custard pies, cream pies, pastries with potentially hazardous toppings or fillings.*

### **Does my product have to be labeled?**

Yes, all food items packaged at the operation for sale must be properly labeled in compliance with federal laws and regulations. Labels must include:

- Name and address of the home-based food operation
- Name of the product being sold
- Complete ingredient list (including all allergens)
- A net wt. in customary and metric measurements
- A conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads ***"Not for Resale – Processed and prepared by a home-based food production operation that is not subject to South Carolina's Food Safety Regulations."***

For more help with labeling, please go to

<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=101>

### **Do I need to apply for an exemption from the SC Department of Agriculture?**

You will need to apply for an exemption from inspection and label review if you intend to manufacture your products at home and sell to the end consumer at locations other than where the products were made. This includes farmers markets, flea markets and other similar direct-to-consumer venues. An application for exemption can be found on the SC Department of Agriculture website at

<http://agriculture.sc.gov/forms>

Custom, made-to-order or special-order products do not fall under the jurisdiction of the SC Department of Agriculture. Some examples of these type products include, but is not limited to: wedding cakes, birthday cakes, shower cakes, etc.

### **Do I qualify for an exemption from the SC Department of Agriculture?**

In order to qualify for an exemption from the SC Department of Agriculture, you must:

- Only produce non-hazardous baked goods and candy. See above - *What is covered under the Cottage Bill?*
- Sell no more than \$15,000 per year.
- Sell only to the end consumer.

**My product is not listed, how do I determine if it is non-potentially hazardous?**

A product analysis to determine interaction of pH and water activity (Aw) will be required in order to exempt any product not listed above. Please contact Kimberly Baker, [kabaker@clermson.edu](mailto:kabaker@clermson.edu) (864-376-4031) or NC State (919.513.2090) or a commercial laboratory for analysis. Analysis will be at the expense of the cottage food operation.

The text of the full Cottage Bill (SC 44-1-143 H) can be found at:  
[http://www.scstatehouse.gov/sess119\\_2011-2012/bills/4689.htm](http://www.scstatehouse.gov/sess119_2011-2012/bills/4689.htm)